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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,325	11/20/2003	Norihisa Matsumoto	03694/LH	2631

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EXAMINER

MAMMEN, NATHAN SCOTT

ART UNIT

PAPER NUMBER

3671

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/719,325

**Applicant(s)**

MATSUMOTO ET AL.

**Examiner**

Nathan S Mammen

**Art Unit**

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Application Publication 64-14251 to Matsumoto.

The Matsumoto publication discloses a set of left (5-2) and right (5-1) straight frames that swingably connect a left and right portion of a blade (3) and a vehicle body (2). A single arm (9) connects provides an additional connection between a single (5-2) straight frame and a center of the blade. The single arm is swingable up and down and to a left and right direction (see Figs. 3-4) via a universal joint (15). Hydraulic cylinders

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Application Publication 64-14251 to Matsumoto in view of Japanese Publication 2546933.

The Matsumoto '251 publication discloses the claimed invention, as stated in paragraph 2 above, except for the connecting point of the arm being provided at an upper portion of a line

Art Unit: 3671

connecting the connection points of the left and right straight frames. The JP '933 publication teaches that it is known in the art to provide an arm (5) with a connecting point on the blade located above a line connecting the straight frames (1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the blade mounting assembly of the Matsumoto '251 publication with a connection point above a line connecting the straight frames as taught by the JP '933 publication in order to provide increased structural bracing for the blade.

5. **Claims 2 and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Application Publication 64-14251 to Matsumoto in view of U.S. Patent No. 3,656,558 to Kolinger. **Claims 4 and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Application Publication 64-14251 to Matsumoto in view of Japanese Publication 2546933, as applied to claims 3 and 9, and further in view of U.S. Patent No. 3,656,558 to Kolinger.

The Matsumoto '251 publication, singularly and in combination with the JP '933 publication, discloses the claimed invention, as stated above, except for the arm having a variable length. The Kolinger '558 patent teaches that it is known in the art to provide an arm connecting a straight frame to a blade with the capability of being varied in length (col. 4, lines 57-61). It would have been obvious to one having ordinary skill in the art to provide the blade mounting structure disclosed by the Matsumoto '251 patent or taught by the combination of Matsumoto and the JP '933 publication with a variable length arm as taught by the Kolinger '558 patent, in order to ease the mounting and adjustment of the arms.

Art Unit: 3671

6. Claims 5, 6, 11, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Application Publication 64-14251 to Matsumoto in view of U.S. Patent No. 3,974,881 to Terai et al.

The Matsumoto publication discloses the claimed invention, as stated in paragraph 2 above, except for the blade mounting structure having left and right cylinders connecting the left and right straight frames to the blade for tilt drive. The Matsumoto publication utilizes braces. The Terai '881 patent teaches that it is known in the art to replace tilt braces with a hydraulic cylinder assembly. See col. 3, lines 15-20. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the blade mounting assembly of the Matsumoto publication with the hydraulic cylinder assemblies as taught by the Terai '881 patent in order to provide additional tilt control.

***Response to Arguments***

7. Applicant's arguments filed 3/25/05 and 2/22/05 have been fully considered but they are not persuasive.

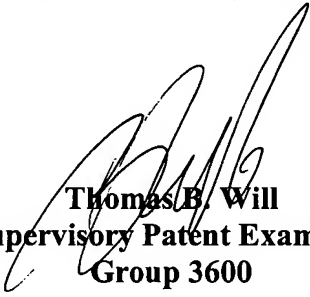
Applicant's argument that the arm of the Matsumoto publication is not connected to the center of the blade is unpersuasive. Applicant's instant claims do not define "center" as an exact measurement; therefore, the claim terminology must be read in view of a reasonable definition of "center". Merriam-Webster's Collegiate Dictionary, 10<sup>th</sup> Ed., defines "center" as "3a. the middle part." In view of this definition, it is clear that the arm (9) of the Matsumoto publication is connected at the middle part of the blade – even if it is not the exact geometric center.

Art Unit: 3671

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Mammen whose telephone number is (571) 272-6991. The examiner can normally be reached Monday through Thursday from 6:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at (571) 272-6998. The fax number for this Group is (703) 872-9306.



**Thomas B. Will**  
**Supervisory Patent Examiner**  
**Group 3600**

**NSM**  
**4/18/05**

**Nathan S. Mammen**